

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 21 AM 10:29

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

Raul TENORIO-Nabor )

Defendant. )

Magistrate Case No. 08 MJ 05 02

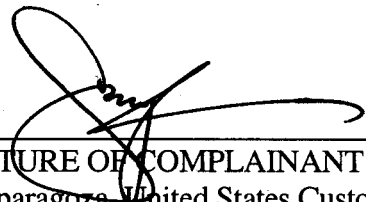
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Aliens  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 20, 2008**, within the Southern District of California, defendant **Raul TENORIO-Nabor**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Reyna ORTEGA-Martinez, Carolina AVILES-Ramirez and Lidia VARGAS-Ortega**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21<sup>st</sup> DAY OF  
FEBRUARY, 2008.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

The complainant states that **Reyna ORTEGA-Martinez, Carolina AVILES-Ramirez and Lidia VARGAS-Ortega** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

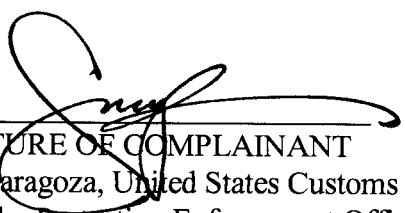
On February 20, 2008 at approximately 4:15 AM, **Raul TENORIO-Nabor (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a red 2003 GMC Yukon. During a pre-primary roving operation a Customs and Border Protection (CBP) Officer's service canine alerted to the vehicle. The CBP Officer visually inspected the vehicle and discovered people hiding under the factory cargo cover. The vehicle and occupants were subsequently escorted to secondary for further inspection.

In secondary, eleven people were discovered concealed inside the vehicle. All were determined to be citizens of Mexico without legal documents to enter the United States. Three were retained as Material Witnesses and are now identified as **Reyna ORTEGA-Martinez (MW1), Carolina AVILES-Ramirez (MW2) and Lidia VARGAS-Ortega (MW3)**. The other eight aliens were administratively removed to Mexico via the San Ysidro Port of Entry.

Defendant's fingerprints were obtained and queried through the Integrated Automated Fingerprint Identification System (IAFIS). Defendant was identified as a documented recidivist alien smuggler and an alien previously removed from the United States. Immigration records reflect Defendant is a citizen of Mexico without legal rights to enter, pass through or remain in the United States. Records also reflect Defendant was ordered deported by an Immigration Judge on or about May 1, 1996 and removed from the United States to Mexico.

During a videotaped interview Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without benefit to counsel. Defendant admitted he has been ordered deported and removed from the United States to Mexico. Defendant stated that he agreed to drive the vehicle across the border to be paid \$500.00 USD for every alien he smuggled successfully. Defendant stated he was instructed to go to a gasoline station in Chula Vista, California and wait for further instructions.

On separate videotaped interviews with Material Witnesses they admitted they are citizens of Mexico without legal documents to enter the United States. Material Witnesses stated they were going to pay fees ranging from \$1,500.00 to \$4,000.00 USD to be smuggled into the United States. Material Witnesses stated they were going to California.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

  
UNITED STATES MAGISTRATE JUDGE